

# BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

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From: Seth H. Ostrow Date: June 2, 2003  
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Re: U.S. Patent Application Serial No. 09/354,058

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ATTORNEY DOCKET NO. 4982/5  
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : John CRESCENTI et al.  
Serial No. : 09/354,058 Examiner: Ella Colbert  
Filed : July 15, 1999 Group Art Unit: 2172  
Title : HIERARCHICAL BACKUP AND RETRIEVAL  
SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Madam:

This is in response to the Office Action dated September 30, 2002 and follows a Request for Continued Examination on January 30, 2003 and an interview with the Examiner conducted May 20, 2003 at the United States Patent and Trademark Office.

IN THE ABSTRACT

Please delete the following text of the Abstract, which appears on page 29, lines 9-15, and reads "Thus, the first software agent can direct or alter the parameters of the second software agent to define a new backup regimen for the backup cell controlled by the second software agent. Or, if the second software agent fails or cannot function properly, the first software agent can direct the backup of the second cell. The software agents need not operate on separate computing devices. Additionally, a backup hierarchy may be achieved using the communication and control techniques of the software agents."

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